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HOUSE BILL 59

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Jeff Steinborn

AN ACT

RELATING TO MUSEUMS; ENACTING THE VETERANS MUSEUM ACT; CREATING  
THE VETERANS MUSEUM DIVISION IN THE CULTURAL AFFAIRS  
DEPARTMENT; PROVIDING POWERS AND DUTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. ~~[NEW MATERIAL]~~ SHORT TITLE.--Sections 1  
through 8 of this act may be cited as the "Veterans Museum  
Act".

Section 2. ~~[NEW MATERIAL]~~ DEFINITIONS.--As used in the  
Veterans Museum Act:

- A. "board" means the board of trustees of the  
museum;
- B. "director" means the director of the division;
- C. "division" means the veterans museum division of  
the cultural affairs department;

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1           D. "museum" means the New Mexico veterans museum;  
2 and

3           E. "secretary" means the secretary of cultural  
4 affairs.

5           Section 3. [NEW MATERIAL] VETERANS MUSEUM DIVISION  
6 CREATED--LOCATION--PROPERTY.--

7           A. The "veterans museum division" is created in the  
8 cultural affairs department. The principal facility of the  
9 division is the "New Mexico veterans museum" located in Las  
10 Cruces. The site shall be held in the name of the state.

11           B. All property, real or personal, now held or  
12 subsequently acquired for the operation of the museum shall be  
13 under the control and authority of the board.

14           C. Funds or other property received by gift,  
15 endowment or legacy shall remain under the control of the board  
16 and shall, upon acceptance, be employed for the purpose  
17 specified.

18           Section 4. [NEW MATERIAL] BOARD OF TRUSTEES CREATED--  
19 APPOINTMENTS--TERMS--OFFICERS.--

20           A. The "board of trustees of the New Mexico  
21 veterans museum" is created. The board shall consist of eleven  
22 voting members who are residents of New Mexico. One of the  
23 voting members shall be the secretary of veterans' services or  
24 that secretary's designated representative. Ten voting members  
25 shall be appointed by the governor with the advice and consent

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1 of the senate. In making the appointments, the governor shall  
2 appoint at least three members from each congressional district  
3 and give due consideration to the ethnic and geographic  
4 diversity of the state. No more than five of the ten appointed  
5 members shall be from the same political party. At least five  
6 of the members shall be armed forces veterans, one each from:

- 7 (1) the New Mexico national guard;
- 8 (2) the United States army;
- 9 (3) the United States navy;
- 10 (4) the United States air force; and
- 11 (5) the United States marine corps.

12 B. Of the initial appointees, four members shall be  
13 appointed for four-year terms, four members shall be appointed  
14 for three-year terms and two members shall be appointed for  
15 two-year terms. All subsequent appointed members shall be  
16 appointed for four-year terms.

17 C. A majority of the board members currently  
18 serving shall constitute a quorum at any meeting or hearing.

19 D. Any appointed member failing to attend three  
20 consecutive meetings after receiving proper notice shall be  
21 recommended for removal by the governor. The governor may also  
22 remove any appointed member of the board for neglect of any  
23 duty required by law, for incompetency, for unprofessional  
24 conduct or for violating any provisions of the Veterans Museum  
25 Act. If a vacancy occurs on the board, the governor shall

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1 appoint another member to complete the unexpired term.

2 E. The secretary of cultural affairs shall be an  
3 ex-officio nonvoting member of the board.

4 F. The governor shall designate the president of  
5 the board, who shall serve in that capacity at the pleasure of  
6 the governor.

7 G. Appointed members of the board are entitled to  
8 per diem and mileage as provided in the Per Diem and Mileage  
9 Act but shall receive no other compensation, perquisite or  
10 allowance.

11 Section 5. [NEW MATERIAL] BOARD--POWERS--DUTIES.--The  
12 board shall:

13 A. exercise trusteeship over the collections of the  
14 museum;

15 B. accept and hold title to all property for the  
16 museum's use;

17 C. review annually the performance of the director  
18 and report its findings to the secretary;

19 D. enter into agreements or contracts with private  
20 or public organizations, agencies or individuals for the  
21 purpose of obtaining real or personal property for the museum's  
22 use;

23 E. authorize the director to solicit and receive  
24 funds or property of any nature for the development of the  
25 museum, its collections and its programs;

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1 F. adopt such rules as may be necessary to carry  
2 out the provisions of the Veterans Museum Act; and

3 G. establish policy, determine the mission and  
4 direct the development of the museum.

5 Section 6. [NEW MATERIAL] DIRECTOR--APPOINTMENT--  
6 QUALIFICATIONS.--

7 A. Subject to the authority of the secretary, the  
8 administrative and executive officer of the division and the  
9 museum is the "director" of the division.

10 B. The secretary shall appoint the director with  
11 the approval of the governor from a list of qualified finalists  
12 provided by the board of trustees.

13 C. The position of director shall require previous  
14 experience in museum administration.

15 Section 7. [NEW MATERIAL] DIRECTOR--POWERS--DUTIES.--  
16 Subject to the policies agreed to by the board, the director:

17 A. shall be responsible for the operation of the  
18 museum in accordance with all appropriate statutes and rules;

19 B. shall develop exhibits and programs displaying  
20 New Mexico veterans history for the benefit of the public and  
21 with particular concern for the interests of the schools of the  
22 state;

23 C. shall acquire by donation or other means of  
24 acquisition any collections and related materials appropriate  
25 to a veterans museum and shall direct research as is

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1 appropriate to render the collections of benefit to the public;

2 D. shall employ such professional staff and other  
3 employees as are necessary to the operation of the museum in  
4 accordance with the provisions of the Personnel Act;

5 E. may solicit and receive funds or property of any  
6 nature for the development of the museum;

7 F. may enter into contracts with public or private  
8 organizations, agencies or individuals for the performance of  
9 services related to the location, preservation, development,  
10 study or salvage of historical New Mexico veterans materials;

11 G. shall provide an office in the museum for use by  
12 the veterans' services department to provide services to New  
13 Mexico veterans;

14 H. shall cooperate with institutions of higher  
15 education and other agencies and political subdivisions of  
16 municipal, state and federal governments to establish, maintain  
17 and extend the programs of the museum;

18 I. may, as authorized by the board, lend collection  
19 materials to qualified institutions and agencies for purposes  
20 of exhibition and study and borrow collection materials from  
21 other institutions and agencies for the same purpose;

22 J. subject to the provisions of Section 8 of the  
23 Veterans Museum Act, shall impose and collect admission fees  
24 and conduct retail sales as are normal for the operation of the  
25 museum;

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1           K. may publish journals, books, reports and other  
2 materials as are appropriate to the operation of the museum;  
3 and

4           L. shall perform other appropriate duties as may be  
5 delegated by the governor, the secretary or the board or as may  
6 be provided by law.

7           Section 8. [NEW MATERIAL] MUSEUM ADMISSION POLICY.--The  
8 board, the secretary of cultural affairs and the director shall  
9 establish and implement a policy to permit New Mexico residents  
10 age sixty years and older to enter all publicly accessible  
11 exhibit and program areas of the museum, except special  
12 exhibits and programs where commissions or royalties are paid  
13 by contract, free of charge every Wednesday that is not a  
14 holiday that the museum is open.

15           Section 9. Section 9-4A-4 NMSA 1978 (being Laws 2004,  
16 Chapter 25, Section 4, as amended) is amended to read:

17           "9-4A-4. DEPARTMENT CREATED.--The "cultural affairs  
18 department" is created in the executive branch. The department  
19 is a cabinet department and includes the following divisions:

- 20           A. the administrative services division;
- 21           B. the arts division;
- 22           C. the historic preservation division;
- 23           D. the library division;
- 24           E. the Hispanic cultural division;
- 25           F. the farm and ranch heritage museum division;

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- 1 G. the natural history and science museum division;
- 2 H. the museum of space history division;
- 3 I. the museum resources division; ~~and~~
- 4 J. the veterans museum division; and

5 ~~[J-]~~ K. the following divisions that make up the  
6 museum of New Mexico:

- 7 (1) the palace of the governors state history  
8 museum division;
- 9 (2) the New Mexico museum of art division;
- 10 (3) the museum of Indian arts and culture  
11 division;
- 12 (4) the museum of international folk art  
13 division;
- 14 (5) the archaeological services division; and
- 15 (6) the state monuments division."

16 Section 10. EFFECTIVE DATE.--The effective date of the  
17 provisions of this act is July 1, 2009.